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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,752	11/17/2000	Sanjay S. Gadkari	ITL.0478US (P10026)	6968
21906	7590	05/14/2007		
TROP PRUNER & HU, PC 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631			EXAMINER TRUONG, LAN DAI T	
			ART UNIT	PAPER NUMBER
			2152	
			MAIL DATE	DELIVERY MODE
			05/14/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 09/715,752	Applicant(s) GADKARI, SANJAY S.	
	Examiner Lan-Dai Thi Truong	Art Unit 2152	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 February 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,6-13,16-21 and 23-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,6-13,16-21 and 23-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 02/22/2007 has been entered.

2. This action is response to communications: application, filed on 11/17/2000; amendment filed 10/27/2006. Claims 1-3, 6-13, 17-21, 23-28 are pending; claim 1, 11 and 21 are amended

3. The applicant's arguments filed on 02/22/2007 have fully considered but they are moot in view with new ground for rejections

Claim rejections-35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3, 6-8, 10-13, 16-18, 20-21, 23-28 are rejected under 35 U.S.C 103(a) as being un-patentable over Kraft et al. (U.S. 6,112,225) in view of Zack et al. (U.S. 2002/0124041) and further in view of Doney et al. (U.S. 2002/0122077)

Regarding claim 1:

Kraft discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for assigning subtasks to network devices, comprising:

Assigning, from a server, distributed computing tasks to a network of processor-based client devices: (Kraft discloses “the coordinating computer” which shares functionality with “ a server” as claimed divides aggregate task into subtasks and distributes them to remotely located “computers” which is equivalent to “processor-based client device” as claimed: abstract)

Determining, at server, the task was not completed: (Kraft discloses the coordinating computer includes result task manager which used to monitor and detect completion status for each subtask performing at each remote computer: column 7, lines 42-67; column 8, lines 1-5)

However, Kraft does not explicitly disclose steps of estimating, at said server, based on a client device's resources, a time when the client device to complete assigned task; determining at the whether the task is completed after said time

In analogous art, Zack discloses “the processing controller” which also shares functionality with “a server” controls and estimates completion time for each of task processed by plurality of processing units; the processing controller is capable to determine if the subtasks shall be completed in the given period time assigned based upon the processing unit's available resources: ([0052]; [0019]; [0057];[0059]; [0097])

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However, Kraft-Zack does not explicitly disclose why/what errors causes incomplete task

In analogous art, Doney discloses a hierarchically structural group of tasks including a representation display to indicate tasks results, whether the task is completed or not; if one of tasks does not complete normally, the displaying diagnostic information/ discovery errors used to indicate “why” the task was not completed: (abstract; [0006], lines 37-39; [0028]; [0038]-[0039]; [0041])

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate Zack’s ideas of estimating completion time for the task with Doney’s ideas of displaying diagnostic messages/ discovery errors to indicate particular task errors into Zack’s system in order to improve efficiencies for task management system i.e. speed-up job processing via instantly process problems resolve, see (Doney: [0006]), and saving system resources by shifting/balancing resources between tasks, see (Zack: [0010])

Regarding claim 11:

This claim is rejected under rationale of claim 1

Regarding claim 21:

In addition to rejection in claim 1, Kraft-Zack-Doney further discloses

A processor-based device: (“coordinating computer” which shares functionality with “processor-based device”: figure 2, item 102)

Storage and instructions: (those features inherently included in Kraft’s coordinating computer to implement tasks management)

Regarding claims 2, 12 and 24:

In addition to rejection in claims 1, 11 and 21, Karft- Zack- Doney further discloses establishing a persistent connection between at least one of said devices and a server: (Karft: figure 1)

Regarding claims 3, 13:

In addition to rejection in claims 1, and 11, Karft – Zack- Doney further discloses subdividing a distributed computing job into tasks and assigning each of said tasks to a different device: (Karft discloses the coordinating computer divides a task into multiple subtasks, and assigns each subtask to each subscribing computer for executing: abstract, lines 1-26)

Regarding claims 10 and 20:

In addition to rejection in claims 1, and 11, Karft – Zack- Doney further discloses the coordinating computer receives the task results from subscribing computers: (Karft discloses returning results from subscribing computers to the coordinating computer: abstract, lines 1-26)

Regarding claims 6, 16, and 27:

In addition to rejection in claims 1, and 11, Karft – Zack- Doney further discloses automatically request said results from said task after the passage of said time estimate: (Karft: column 7, lines 42-67; column 8, lines 1-5)

Regarding claim 23:

In addition to rejection in claim 21, Karft – Zack- Doney further discloses said server is a system management server: Karft discloses “coordinating server” which is shared functionality with “a system management server:” (abstract, lines 1-26)

Regarding claim 7, 17 and 28:

In addition to rejection in claims 1, 11 and 26, Karft – Zack- Doney further discloses automatically requesting said results after the passage of said time estimate: (Karft: column 7, lines 42-67; column 8, lines 1-5)

Regarding claims 8 and 18:

In addition to rejection in claims 1, 11, Karft – Zack- Doney further includes software on a device: (Karft discloses “software module” which is equivalent to “software”: column 4, lines 48-60)

Regarding claims 25-26:

Those claims are rejected under rationale of claim 21

Claims 9 and 19 are rejected under 35 U.S.C 103(a) as being un-patentable over Karft-Zack- Doney in view of Prosati, Jr et al. (U.S. 6,678,716)

Regarding claims 9 and 19:

Karft-Zack- Doney discloses the invention substantially as disclosed in claim 1, but does not explicitly teach providing an acknowledgement

In analogous art, Prosati discloses technique of sending acknowledgement, see (column 11, lines 37-49)

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Prosati’s ideas of sending an acknowledgement into Karft-Zack- Doney’s system in order to employ well-known technique into Karft-Zack- Doney for saving resources and development time

The prior arts made of record and not relied upon are considered pertinent to applicant’s disclosure. The following patents and publications are cited to further show the state of the art

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with respect to "MANAGING A NETWORK OF CONSUMER-USE COMPUTING
DEVICES": 6578005; 6,11,2243; 6249836; 5918049

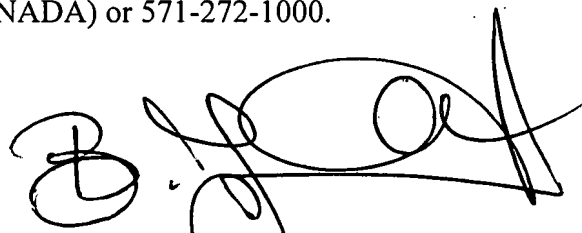
Conclusions

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan-Dai Thi Truong whose telephone number is 571-272-7959. The examiner can normally be reached on Monday- Friday from 8:30am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob A. Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

05/09/2007



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER